

**SUPREME COURT MINUTES  
WEDNESDAY, AUGUST 18, 2004  
SAN FRANCISCO, CALIFORNIA**

**S026040**

PEOPLE v. VIEIRA (RICHARD JOHN)  
Supplemental briefing ordered

The court requests the parties to file supplemental letter briefs addressing *People v. Cash* (2002) 28 Cal.4th 703, 718-723 with reference to Claim II in Appellant's Opening Brief. (AOB 121-130.) The Attorney General is directed to file a brief by September 1, 2004. Appellant is to respond by September 15, 2004.

Chin, J., was absent and did not participate.

**S125648**

H022727 Sixth Appellate District

PEOPLE v. DOMINGUEZ  
Petition for review granted; transferred to CA 6

The above-entitled matter is transferred to the Court of Appeal, District Six, with directions to vacate its decision and to reconsider the cause in light of *People v. Cavitt* (2004) 33 Cal.4th 187 and *People v. Johnson* (1980) 26 Cal.3d 557, 578. (Cal. Rules of Court, rule 29.3(d).)

Chin, J., was absent and did not participate.  
Votes: George, C.J., Baxter, Werdegarr, and Brown, JJ.

**S125874**D042017 Fourth Appellate District,  
Division One

PEOPLE v. WILKERSON  
Petition for review granted; transferred to CA 4/1

The above-titled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the validity of the enhancement imposed in this case under Penal Code section 667, subdivision (a)(1). (Cal. Rules of Court, rule 29.3(d); see *People v. West* (1984) 154 Cal.App.3d 100, 107-108; *People v. Smith* (2003) 110 Cal.App.4th 1071, 1080, fn. 10.)

Chin, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter, Werdegarr, Brown, and Moreno, JJ.

**S116471**

E031381 Fourth Appellate District,  
Division Two

**LOCKHEED MARTIN CORP. v. S.C. (ADAMS)**

Dismissed per rule 29.3(b), and remanded to CA 4/2

In light of recently-enacted legislation (Stats. 2003, ch. 873, § 1 (S.B. 331), adding section 340.8 to the Code of Civil Procedure), review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Chin, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter,  
Werdegar, Brown, and Moreno, JJ.

**S123713**

D042600 Fourth Appellate District,  
Division One

**EBBERT v. S.C. (CITY OF SAN DIEGO)**

Dismissed per rule 29.3(b), and remanded to CA 4/1

Counsel for petitioner Kristopher Ebbert having informed this court of his client's death, review is dismissed. (Rule 29.3(b)(1), California Rules of Court.)

Chin, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter,  
Werdegar, Brown, and Moreno, JJ.

**S125190**

H026155 Sixth Appellate District

**CRISCIONE ON H.C.**

Petition for review denied

Chin, J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S125240**

B163114 Second Appellate District,  
Division Seven

**FASHION 21 v. COALITION FOR HUMANE**

**IMMIGRANT RIGHTS OF LOS ANGELES**

Petition for review denied

Chin, J., was absent and did not participate.

**S125271**

H027167 Sixth Appellate District

**BORBA v. W.C.A.B. (TRIPLE E LIVESTOCK &  
LAND CO., INC.)**

Petition for review denied

Chin, J., was absent and did not participate.

**S125395**

F043071 Fifth Appellate District

**SWEAT v. BIG TIME AUTO RACING**

Petition for review denied

Brown, J., is of the opinion the petition should be granted.

Chin, J., was absent and did not participate.

**S125401**

H021153 Sixth Appellate District

**DVD COPY CONTROL ASSN. INC. v. BUNNER**

Petition for review denied

Kennard, J., was recused and did not participate.

Chin, J., was absent and did not participate.

**S125443**

C042378 Third Appellate District

**WETZEL v. GETZ**

Petition for review denied

Chin, J., was absent and did not participate.

**S125479**

E035874 Fourth Appellate District,  
Division Two

**BAILEY (GEORGE) ON H.C.**

Petition for review denied

Chin, J., was absent and did not participate.

**S125547**

B175644 Second Appellate District,  
Division Seven

**POMONA MARKETPLACE v. S.C. (KLINE)**

Petition for review denied

Chin, J., was recused and did not participate.

**S125556**

B164470 Second Appellate District,  
Division Eight

**IN4NETWORK INC. v. UNIVERSITY OF  
SOUTHERN CALIFORNIA**

Petition for review denied

Chin, J., was absent and did not participate.

**S125581**

A098565 First Appellate District,  
Division Two

**PEOPLE v. MOREDA**

Petition for review denied

Chin, J., was absent and did not participate.

**S125598**

B165151 Second Appellate District,  
Division Eight

## PEOPLE v. URIBE

Petition for review denied

Chin, J., was absent and did not participate.

**S125686**

B155465 Second Appellate District,  
Division Three

## PEOPLE v. CASTANEDA

Petitions for review denied

Chin, J., was absent and did not participate.

**S125712**

B175718 Second Appellate District,  
B174787 Division Three  
B174787

TAYLOR v. APPELLATE DIVISION, LOS ANGELES  
COUNTY SUPERIOR COURT (PEOPLE)

Petition for review denied

Chin, J., was absent and did not participate.

**S125713**

B175697 Second Appellate District,  
B175718 Division Three  
B174787

BRAN v. APPELLATE DIVISION, LOS ANGELES  
COUNTY SUPERIOR COURT (PEOPLE)

Petition for review denied

Chin, J., was absent and did not participate.

**S125723**

A095433 First Appellate District,  
Division Two

## PEOPLE v. ARY

Petition for review & depublication request denied

Chin, J., was absent and did not participate.

**S125757**

A098094 First Appellate District,  
Division Five

## PEOPLE v. SOWL

Petition for review denied

Chin, J., was absent and did not participate.

**S125797**

D040174 Fourth Appellate District,  
Division One

## PEOPLE v. WILLIAMS

Petition for review denied

Chin, J., was absent and did not participate.

**S125829**

B166473 Second Appellate District,  
Division Two

## PEOPLE v. CHAVEZ

Petitions for review denied

Chin, J., was absent and did not participate.

**S125906**

A103774 First Appellate District,  
Division Three

H. (JAMES), IN RE

Petition for review denied

Chin, J., was absent and did not participate.

**S125916**

B165127 Second Appellate District,  
Division Three

PEOPLE v. RIOS

Petition for review denied

Chin, J., was absent and did not participate.

**S125917**

F041243 Fifth Appellate District

PEOPLE v. WILLIAMS

Petition for review denied

Chin, J., was absent and did not participate.

**S125965**

B167305 Second Appellate District,  
Division Five

PEOPLE v. QUILES

Petitions for review denied

Petitions for review denied without prejudice to any relief to which defendants might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

Chin, J., was absent and did not participate.

**S126017**

A102135 First Appellate District,  
A102804 Division Five

LA MACCHIA v. SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION & ARBITRATION BOARD  
Petition for review denied

Chin, J., was absent and did not participate.

**S126072**

B169387 Second Appellate District,  
Division One

PEOPLE v. SLAYMAN

Petition for review denied

Werdegar, J., is of the opinion the petition should be granted.

Chin, J., was absent and did not participate.

**S126082**  
C044649 Third Appellate District

PEOPLE v. SMITH  
Petition for review denied

Chin, J., was absent and did not participate.

**S126083**  
E033719 Fourth Appellate District,  
Division Two

PEOPLE v. DOTSON  
Petition for review denied

Chin, J., was absent and did not participate.

**S126115**  
B167264 Second Appellate District,  
B167622 Division Five  
B169819

A. (MYKAEL), IN RE  
Petitions for review denied

Chin, J., was absent and did not participate.

**S126129**  
E033118 Fourth Appellate District,  
Division Two

PEOPLE v. QUINTANA  
Petition for review denied

Chin, J., was absent and did not participate.

**S126138**  
H026249 Sixth Appellate District

GILLIAN F., IN RE  
Petition for review denied

Chin, J., was absent and did not participate.

**S126145**  
A102608 First Appellate District,  
Division Four

PEOPLE v. COTA  
Petition for review denied

Chin, J., was absent and did not participate.

**S126147**  
A102593 First Appellate District,  
Division Five

CONTEMPO MARIN HOMEOWNERS ASSOC. v.  
MHC FINANCING (CITY OF SAN RAFAEL)  
Petition for review denied

Chin, J., was absent and did not participate.

**S126148**  
D044411 Fourth Appellate District,  
Division One

RENT-A-CENTER INC. v. S.C. (GRIEGO)  
Petition for review denied

Chin, J., was absent and did not participate.

**S126150**

B163331 Second Appellate District,  
Division Four

PAYNE v. WGBH EDUCATIONAL FOUNDATION  
Petition for review denied

Chin, J., was absent and did not participate.

**S126161**

B162753 Second Appellate District,  
Division Two

PANENO v. CENTRES FOR ACADEMIC PROGRAM  
Petition for review denied

Chin, J., was absent and did not participate.

**S126179**

C042995 Third Appellate District

C & W GAS & FASTFOOD CENTER v. NORTH-  
GATE PETROLEUM CO.  
Petition for review denied

Chin, J., was absent and did not participate.

**S126184**

F042715 Fifth Appellate District

MARTINEZ v. ENTERPRISE RENT-A-CAR  
Petition for review denied

Request for judicial notice denied.  
Chin, J., was absent and did not participate.

**S126195**

B171297 Second Appellate District,  
Division Two

LUTH v. DEPT OF WATER & POWER, L.A.  
Petition for review denied

Chin, J., was absent and did not participate.

**S126204**

B161152 Second Appellate District,  
Division Seven

PEOPLE v. MARTINEZ  
Petitions for review denied

Chin, J., was absent and did not participate.

**S126222**

G034026 Fourth Appellate District,  
Division Three

WEBBER v. S.C. (PEOPLE)  
Petition for review and application for stay denied

Chin, J., was absent and did not participate.

**S126223**

H025952 Sixth Appellate District

PEOPLE v. VALENCIA  
Petition for review denied

Chin, J., was absent and did not participate.

**S126225**

E032315 Fourth Appellate District,  
Division Two

## PEOPLE v. DITOMMASO

Petition for review denied

Chin, J., was absent and did not participate.

**S126231**

B164461 Second Appellate District,  
Division Seven

## PEOPLE v. W. (WINSTON PAUL)

Petition for review denied

Chin, J., was absent and did not participate.

**S126232**

D042084 Fourth Appellate District,  
Division One

## PEOPLE v. FOSTER

Petition for review denied

Chin, J., was absent and did not participate.

**S126234**

H026754 Sixth Appellate District

## PEOPLE v. HARWARD

Petition for review denied

Chin, J., was absent and did not participate.

**S126235**

F043367 Fifth Appellate District

## PEOPLE v. GARCIA

Petition for review denied

Chin, J., was absent and did not participate.

**S126237**

E033290 Fourth Appellate District,  
Division Two

## PEOPLE v. DALE

Petition for review denied

Chin, J., was absent and did not participate.

**S126240**

G032642 Fourth Appellate District,  
Division Three

## PEOPLE v. OSBORNE

Petition for review denied

Chin, J., was absent and did not participate.

**S126245**

D044592 Fourth Appellate District,  
Division One

LEUCADIA NATL CORP v. S.C. (ONE HARBOR  
DRIVE HOMEOWNER ASSOC.)

Petition for review denied

Chin, J., was absent and did not participate.



**S126246**

B166574 Second Appellate District,  
Division Seven

PEOPLE v. VAUGHN

Petition for review denied

Chin, J., was absent and did not participate.

**S126247**

E033734 Fourth Appellate District,  
Division Two

F. (TIFFANI), IN RE

Petition for review denied

Chin, J., was absent and did not participate.

**S126249**

C044803 Third Appellate District

PEOPLE v. COOPER

Petition for review denied

Chin, J., was absent and did not participate.

**S126254**

B169447 Second Appellate District,  
Division One

P. (LARRY), IN RE

Petition for review denied

Chin, J., was absent and did not participate.

**S126256**

C043727 Third Appellate District

PEOPLE v. NEWBERRY

Petition for review denied

Chin, J., was absent and did not participate.

**S126262**

F043021 Fifth Appellate District

PEOPLE v. ROBINETTE

Petition for review denied

Chin, J., was absent and did not participate.

**S126266**

G032235 Fourth Appellate District,  
Division Three

PEOPLE v. MURO

Petition for review denied

Chin, J., was absent and did not participate.

**S126269**

D041297 Fourth Appellate District,  
Division One

PEOPLE v. SCATOLINI

Petition for review denied

Chin, J., was absent and did not participate.

**S126271**

B169638 Second Appellate District,  
Division Five

## PEOPLE v. ORNELAS

Petition for review denied

Chin, J., was absent and did not participate.

**S126274**

G032142 Fourth Appellate District,  
Division Three

## PEOPLE v. LY

Petition for review denied

Chin, J., was absent and did not participate.

**S126282**

F042736 Fifth Appellate District

## PEOPLE v. MORONCINI

Petition for review denied

Chin, J., was absent and did not participate.

**S126287**

E034157 Fourth Appellate District,  
Division Two

## PEOPLE v. ROE

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ S.Ct. 2531, on California law.

Chin, J., was absent and did not participate.

**S126292**

G032185 Fourth Appellate District,  
Division Three

## PEOPLE v. KNIGHT

Petition for review denied

Chin, J., was absent and did not participate.

**S126298**

C042338 Third Appellate District

## R. (VERONICA), IN RE

Petition for review denied

Chin, J., was absent and did not participate.

**S126300**

F043356 Fifth Appellate District

## PEOPLE v. THOMPSON

Petition for review denied

Chin, J., was absent and did not participate.

**S126302**

D041730 Fourth Appellate District,  
D042882 Division One

PEOPLE v. GIBSON

Petition for review denied

Chin, J., was absent and did not participate.

**S126307**

E033839 Fourth Appellate District,  
Division Two

PEOPLE v. ROBLES

Petition for review denied

Chin, J., was absent and did not participate.

**S126349**

E033961 Fourth Appellate District,  
Division Two

PEOPLE v. MILLER

Petition for review denied

Chin, J., was absent and did not participate.

**S126352**

H026469 Sixth Appellate District

PEOPLE v. JUAREZ

Petition for review denied

Chin, J., was absent and did not participate.

**S126355**

F043877 Fifth Appellate District

PEOPLE v. WALKER

Petition for review denied

Chin, J., was absent and did not participate.

**S126377**

G032435 Fourth Appellate District,  
Division Three

PEOPLE v. NOVAK

Petition for review denied

Chin, J., was absent and did not participate.

**S126382**

B167193 Second Appellate District,  
Division Eight

PEOPLE v. RIVERA

Petition for review denied

Chin, J., was absent and did not participate.

**S126388**

C043858 Third Appellate District

PEOPLE v. BOWMAN

Petition for review denied

Chin, J., was absent and did not participate.

**S126401**

B165860 Second Appellate District,  
Division Eight

PEOPLE v. HERNANDEZ  
Petition for review denied

Chin, J., was absent and did not participate.

**S126406**

F043229 Fifth Appellate District

PEOPLE v. EYRE  
Petition for review denied

Chin, J., was absent and did not participate.

**S126409**

B165789 Second Appellate District,  
Division Four

PEOPLE v. ELDRIDGE  
Petition for review denied

Chin, J., was absent and did not participate.

**S126413**

D041968 Fourth Appellate District,  
Division One

PEOPLE v. MAGPIONG  
Petition for review denied

Chin, J., was absent and did not participate.

**S126446**

G032633 Fourth Appellate District,  
Division Three

PEOPLE v. DUNHAM  
Petition for review denied

Chin, J., was absent and did not participate.

**S126576**

TYSON v. OHLRICH (PEOPLE)  
Petition for writ of mandate/prohibition denied

Chin, J., was absent and did not participate.

**S126950**

B176686 Second Appellate District,  
Division Two

BLAKE v. S.C. (PEOPLE)  
Petition for review and application for stay denied

Chin, J., was absent and did not participate.

**S119421**

WALKER (RONALD DEAN) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119712**

TAYLOR (FRANKLIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was absent and did not participate.

**S119876**

RODRIGUEZ (STEVEN) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119877**

SMITHSON (THOMAS J.) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119885**

BROWN (HILTON) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Chin, J., was recused and did not participate.

**S119888**

SAVEDRA (RAYMOND) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Chin, J., was absent and did not participate.

**S119893**

GAMBLE (TENOLA E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780;.)

Chin, J., was absent and did not participate.

**S119896**

HERNANDEZ (SILVIO C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218; *People v. Pompa-Ortiz* (1980) 27 Cal.3d 519; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

Chin, J., was absent and did not participate.

**S119899**

JUAREZ (JOHN A.) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119902**

CONTRERAS (SAMUEL) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119924**

MURPHY (GLEN A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Chin, J., was absent and did not participate.

**S119925**

HAIL (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119927**

SUMAN (MICHAEL PAUL) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119930**

CARSON (DAVID V.) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S119931**

HIGBEE (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120019**

PALERMO (DARIN A.) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120040**

MEADOWS (MICHANN D.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

Chin, J., was absent and did not participate.

**S120054**

MILLER (TYRONE) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120080**

ABNEY (THOMAS WILLIAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Chin, J., was absent and did not participate.

**S120089**

DYSON (HAROLD) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120145**

MILANEZ (GEORGE) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120149**

WILSON (ALBER P.) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120181**

AGUAYO (GABRIEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

Chin, J., was absent and did not participate.

**S120194**

SMITH (JONATHAN L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Chin, J., was absent and did not participate.

**S120227**

JOHNSON (KEITH R.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

Chin, J., was absent and did not participate.

**S120242**

ROBLES (ANTONIO G.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Chin, J., was absent and did not participate.



**S120255**

GILLEM (XONALD EDWARD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Chin, J., was absent and did not participate.

**S120288**

DELGADILLO (JESUS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

Chin, J., was absent and did not participate.

**S120294**

MONSON (ERNEST) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120320**

McINTOSH (BART G.) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S120363**

BAKER (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was recused and did not participate.

**S123571**

BAKER (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S126348**

PAPPIN (ALBERT E.) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S126721**AVILA (EVARISTO) ON H.C.  
Petition for writ of habeas corpus denied

Chin, J., was absent and did not participate.

**S125266**B167314 Second Appellate District,  
Division FivePEOPLE v. MORENO  
Time extended to grant or deny review

to September 27, 2004.

**S125799**

F041885 Fifth Appellate District

PEOPLE v. SISAVATH  
Time extended to grant or deny review

to September 24, 2004

**S125854**A101357 First Appellate District,  
Division TwoPEOPLE v. SCHMIDT  
Time extended to grant or deny review

to September 24, 2004.

**S125856**A106386 First Appellate District,  
Division OneMCBROOM (LEMONTA RENNA) ON H.C.  
Time extended to grant or deny review

to September 24, 2004.

**S125878**E032733 Fourth Appellate District,  
Division TwoPEOPLE v. RODRIGUEZ  
Time extended to grant or deny review

to September 24, 2004

**S125889**E036032 Fourth Appellate District,  
Division TwoWHITAKER (JAMES D.) ON H.C.  
Time extended to grant or deny review

to September 24, 2004

**S125894**B174780 Second Appellate District,  
Division FourMCKINNEY (ALONZO) ON H.C.  
Time extended to grant or deny review

to September 24, 2004.

**S125896**

G031303 Fourth Appellate District,  
Division Three

PEOPLE v. LUNA

Time extended to grant or deny review

to September 30, 2004.

**S125899**

A100958 First Appellate District,  
Division Three

PEOPLE v. HILL

Time extended to grant or deny review

to September 27, 2004

**S125923**

E036005 Fourth Appellate District,  
Division Two

WOODS (CHARLES), IN RE

Time extended to grant or deny review

to September 24, 2004.

**S125943**

B166733 Second Appellate District,  
Division Eight

PEOPLE v. SCHAEFER

Time extended to grant or deny review

to September 27, 2004

**S125950**

B175758 Second Appellate District,  
Division Two

LANG (LAURENCE) ON H.C.

Time extended to grant or deny review

to September 28, 2004.

**S125951**

A106333 First Appellate District,  
Division Two

RUMIE v. S.C. (PEOPLE)

Time extended to grant or deny review

to September 28, 2004

**S125952**

F042317 Fifth Appellate District

PEOPLE v. GARCIA

Time extended to grant or deny review

to September 28, 2004.

**S125961**

A106310 First Appellate District,  
Division Two

LEWIS (KEITH ALLEN) ON H.C.

Time extended to grant or deny review

to September 20, 2004

**S125981**

C046909 Third Appellate District

GIACOMA (DONALD L.) ON H.C.

Time extended to grant or deny review

to September 28, 2004.

**S126016**A106849 First Appellate District,  
Division One

BAIR (CLIFFORD) ON H.C.

Time extended to grant or deny review

to September 30, 2004.

**S126022**B173145 Second Appellate District,  
Division Six

REINER (JOHN J.) ON H.C.

Time extended to grant or deny review

to September 30, 2004.

**S126094**B175974 Second Appellate District,  
Division Three

BROWNLOW (GREGORY) ON H.C.

Time extended to grant or deny review

to September 28, 2004.

**S126101**B162639 Second Appellate District,  
Division Two

PEOPLE v. GARCIA

Time extended to grant or deny review

to September 30, 2004

**S029550**

PEOPLE v. HOLLOWAY (DUANE)

Extension of time granted

to August 27, 2004 to respondent to file answer  
to rehearing petition.**S030553**

PEOPLE v. WILLIAMS (GEORGE)

Extension of time granted

to September 14, 2004 to file appellant's  
opening brief. Extension is based upon counsel  
Daniel N. Abrahamson's representation that he  
anticipates filing that brief by 9/14/2004. After  
that date, no further extension will be granted.

**S051342**PEOPLE v. CUNNINGHAM (JOHN)  
Extension of time granted

to October 18, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon counsel Richard P. Stookey's representation that he anticipates filing that brief by 2/23/2005.

**S058092**PEOPLE v. MAURICE LYDELL HARRIS  
Extension of time granted

to October 15, 2004 to file appellant's reply brief. Extension is granted based upon counsel Glen Niemy's representation that he anticipates filing that brief by 10-15-2004. After that date, no further extension will be granted.

**S064415**PEOPLE v. BRAMIT (MICHAEL L.)  
Extension of time granted

to October 12, 2004 to file appellant's opening brief.

**S073596**PEOPLE v. LANCASTER (ANDREW)  
Extension of time granted

to September 10, 2004 to file appellant's opening brief. Extension is granted based upon counsel Roger Teich's representation that he anticipates filing that brief by 9/10/2004. After that date, no further extension will be granted.

**S120084**MILLWEE (DONALD R.) ON H.C.  
Extension of time granted

to September 20, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon

Deputy Federal Public Defender Harry Simon's representation that he anticipates filing that document by 11/18/2004.

**S121562**

VEASLEY (CHAUNCEY) ON H.C.  
Extension of time granted

to September 17, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel David Joseph Macher's representation that he anticipates filing that document by 9/17/2004. After that date, no further extension will be granted.

**S123766**

B150991 Second Appellate District,  
Division Two

SCOTTSDALE INSURANCE v. MV  
TRANSPORTATION INC.  
Extension of time granted

to September 2, 2004 for appellant to file the reply brief on the merits.

**S125670**

BROWN (ANDREW) ON H.C.  
Extension of time granted

to September 20, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 75 additional days will be granted. Extension is granted based upon Deputy Attorney General David Delgado-Rucci's representation that he anticipates filing that document by 12/1/2004.

**S029489**

PEOPLE v. HOWARD (ALPHONSO)  
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Alphonso Howard, filed July 30, 2004, is granted.

The order appointing the State Public Defender as counsel of record for appellant Alphonso Howard, filed March 6, 1998,

is hereby vacated.

David S. Adams is hereby appointed as counsel of record to represent appellant Alphonso Howard for the direct appeal in the above automatic appeal now pending in this court.

Chin, J., was absent and did not participate.

**S043187**

PEOPLE v. RIGGS (BILLY R.)

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Billy Ray Riggs, filed July 30, 2004, is granted.

The order appointing the State Public Defender as counsel of record for appellant Billy Ray Riggs, filed May 10, 1999, is hereby vacated.

David S. Adams is hereby appointed as counsel of record to represent appellant Billy Ray Riggs for the direct appeal in the above automatic appeal now pending in this court.

Chin, J., was absent and did not participate.

**S054489**

PEOPLE v. DOOLIN (KEITH Z.)

Record ordered unsealed

Respondent's "Request for Production of Sealed Clerk's Transcript" filed on July 19, 2004, is granted.

The Clerk of this court is directed to unseal pages 801 through 870 of the Clerk's Transcript and to provide a copy of these pages to respondent.

The letter from trial counsel Rudy Petilla, apparently faxed to District Attorney Ed Hunt on June 28, 1996, and attached as Exhibit A to respondent's "Request for Production of Sealed Clerk's Transcript," is *not* part of the record on appeal. (See California Rules of Court, Rules 31(b); 31.1(b)(1); 34.1(a)(1).)

Chin, J., was absent and did not participate.

**S116445**B154544 Second Appellate District,  
B160827 Division Three

PEOPLE v. SPRADLEY

Request denied

Defendant's request to expand review in this matter to include issues for which review has already been granted in *People v. Towne*, S125677, is denied.

Defendant's request for review of the additional issue of whether *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_, 124 S.Ct. 2531 "requires that aggravating factors for an upper term sentence be found beyond a reasonable doubt" is also denied.

Both requests are denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Towne*, S125677, and/or *People v. Black*, S126182, the effect of *Blakely v. Washington, supra*, \_\_\_ U.S. \_\_\_, 124 S.Ct. 2531, on California law.

Chin, J., was absent and did not participate.



